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SC PUBLIC SERVICE
COMMISSION

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STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
Dockets from No. 2014-187-E and back to 2008-196-E - all that apply BLRA as a legal
base for PSC Orders with ORS stipulations and reports.

IN MATTER OF: Combined Application of SCE&G... for a Base Load Review [Act] Order and ... for Authority to Adjust and Increase Its Electric Rates and Charges.	DECLARATION to PROTEST and CHALLENGE the BASELESS USAGE of SC BASE LOAD REVIEW ACT ("FCA of BLRA") to INCREASE kWh RATES
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PURPOSE

A. This Declaration can be used as a basis to dispute by a ratepayer each of SC&G bills where overcharges started in 2008-2009. It has begun with Public Service Commission of South Carolina ("PSC") order No. 2009-104(A) presented in docket No. 2008-196-E.

B. This Declaration shall be a common legal argument for everybody who protests the next request for 3% rate increase submitted to PSC and covered by documents recorded under docket No. 2014-187-E. For more details visit www.bypas-int.net to find materials associate with the advocate activity.

C. The objective and scope of this Declaration is the strict financing matter of SCANA (NYSE:SCG) / SCE&G nuclear project of two new units (2 and 3) in Jenkinsville, SC.

D. To restore, in general, the Justice for All in the existing SC Judicial System the Motto of PSC and Mission of ORS (Office of Regulatory Staff) are the bases for the challenge.

FACTS.

1. SCANA /SCE&G never submitted a prudent proof/study that the Base Load Review Act (BLRA) is a proper/adequate legal ground to force SCE&G ratepayers to finance their project, which started with the "Combined Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity and for a **Base Load Review Order** for the Construction and Operation of a Nuclear Facility in Jenkinsville, South Carolina. "
The SC Governor did not sign the 2007-2008 Bill 431: Base Load Review Act - South Carolina
2. ORS never checked and/or confirmed the above incorrect assumption because, *de facto*, there are no data that can allow the BLRA definition to be fulfilled.
3. BLRA has numerical limits that shall be respected and recalculated in engineering units. Without redundant data analysis BLRA cannot be a basis to collect "other people's

money". And a pretense to "other people's money" is a felony (**SC_Code _SECTION 16-13-260**).

4. In all ORS reports and stipulations, BLRA was blindly accepted as a base ground to give PSC the go-ahead to approve consecutive kWh rate increases. The same BLRA is the basis of its last report (PSC document # 251718 in docket 2014-187-E). This ORS report completely ignores a challenge coming from Engineering Analysis in this matter, which was delivered to its office on 2014 June 26.
5. The entire process of PSC/ORS approvals of SCANA/SCE&G requests for rate increases does ignore the existence of a federal government stimulus for nuclear power plants. It was, and is silenced, as well as a lack of legality of FCA of BLRA, which is also out of public information.
6. Forcing electric rate increases harms S.C. residents and businesses. Indirectly, undocumented rate increases via the Southeast grid, harm other customers, including about two million of Santee Cooper.
7. In 2008-2009, there were government funds available for nuclear power projects. As noted by the media, it was about \$50 Billion (in 2007 USDs).
8. Silencing these facts goes against the PSC Motto: **A Fair, Open, And Efficient Regulatory Process That Promotes Cost-Effective And Reliable Utility Services** (www.psc.sc.gov).
9. Ignoring the procedure is against ORS' pledge to represent the Public Interest. *"The Office of Regulatory Staff (ORS) is charged with representing the public interest of South Carolina in utility regulation for the major utility industries -- electric, natural gas, telecommunications, transportation, and water / wastewater -- before the Public Service Commission of S.C., the court system, the S.C. General Assembly, and federal regulatory bodies...*

The public interest, as defined by Act 175 of 2004 that created the ORS, is a balance among three essential components expressed in the agency's mission statement: To represent the public interest in utility regulation by balancing the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina".

One may question ORS' commitment to fulfill its obligation to the public. By using a reality test to compare system requirements, we have found:

9.1. "...the concerns of the using and consuming public" – SCANA has removed until now \$3 Billion from the S.C. [residents' and businesses'] budgets with perspective of \$10 Billion (in 2007 USD). The average SCE&G ratepayer has already been overcharged more than \$4,400, which, when compared to contributing to the stimulus federal taxpayer is more than 100 times higher burden.

9.2. "...the financial integrity of public utilities," SCANA (NYSE:SCG) has used false claimed assumption of BLRA (FCA of BLRA) to put SCE&G Company and its employees into jeopardy. This is similar to what happened with Enron and Dynegy scandals.

9.3. "...the economic development of South Carolina" SCANA has removed \$3 Billion in the last five years from the capital activity with perspective of \$10 Billion (in 2007 USD) as well as from federal, state and local taxation.

10. There is no reason why public interest was ignored and no reactions for protests are noted. No transparency can sometimes indicate a conspiracy. The SCANA legal team received a letter challenging FCA of BLRA on June 26, 2014, the same day as ORS.
11. The above facts disqualify the last ORS report (PSC docket 2014-187-E matter ID #251718) as prudent.
12. The negligence of ratepayers' financial situation has become criminal negligence. *"Criminal negligence is conduct which is such a departure from what would be that of an ordinary prudent or careful person in the same circumstance as to be incompatible with a proper regard for human life or an indifference to consequences. **Criminal negligence is negligence that is aggravated, culpable or gross.**"* <http://definitions.uslegal.com/c/criminal-negligence/>. The act of overcharging ratepayers over five years crosses the threshold of crimes. It moves to higher probability of serious illnesses, even wrongful deaths, during heat waves when people try to save on electricity or have disconnected service for non-payment. Financial fraud is a felony covered by **SC_Code_SECTION 16-13-260**.
13. There are estimated three (3) million victims, including veterans, children and retirees living on a fixed income.
14. A prolonged process of a fair financial recovery postpones the victims' emergency needs.
15. The obstruction of justice by blocking Wojcicki's Petitions as a SCANA shareholder and using imprudent BLRA (e.g. PSC Order 2014-404).
16. In the 2014 midterm elections, it will be fair and necessary to give voters the ability to ask questions on this subject. Again, silence is the worst anti-democratic factor in the S.C. "Republic".
Each candidate must have the chance to avoid future accusations of the negligence by his or her constituents.
17. SCANA's FCA of BLRA has close to one (1.00) the correlation factor with Enron and Dynegy scandals because of their multi-billion range. The proper (fair and open) solution on behalf of the victims is to fully reimburse them for the overcharges and this may decrease necessity for more investigation. .
18. There are no studies/analysis of conditions and cooperation with Duke Energy Carolinas' identical project to be located in Lee station SC and panned to withdraw cooling water from the same Broad River in SC
19. Today about three (3) million people have been victims of overcharged electricity. In the future, the number could grow adding more victims from:
 - _ SCE&G
 - _ Commissioners and regulatory staff,
 - _ Legal representatives who are being informed of the fraud did not act in accordance with their profession's principles and canons,
 - _ Non-profit organizations claiming to monitor judicial and governmental systems and pretend to help victims,

_ Unethical politicians and elected representatives.

20. The future well-being of the SC judicial system indicates a necessity to report this challenge to all system bodies and/or agencies in South Carolina, e.g. SC Attorney General, SC Speaker of the House, SC Governor.
21. Observed a lack of new or updated checklists in Nuclear Renaissance with new technologies may not excuse further ignorance of serious and complex reviews of such large projects. This objective applies to fully accepting the challenge of FCA of BLRA (dms.psc.sc.gov/matters/matters.cfc?Method=MatterDetail&MatterID=251229)

CONCLUSION

- a) The assumption of BLRA as a legal ground to get electric ratepayers' money was, from the beginning false and unnecessary because of the governmental stimulus.
- b) Customers have the rights to dispute overcharged rates because the full availability of the governmental stimulus and the baseless FCA of BLRA.
- c) The assumption that there might be 675,000 protestants for the next 3% rate increase is real, especially with public information about FCA of BLRA. A protest of 100,000 people is enough to trigger presidential executive actions.
- d) SCANA(NYSE:SCG) "parenting" SCE&G financing would very likely affect the company and its employees, such as what happened with Enron (NYSE:ENE).
- e) Extending the process to repay overcharges only harms the public, state and federal governments. When there is a heat wave, it becomes criminal negligence. It is also a part of infamous veterans' scandal.

I declare under the penalties of perjury that I have examined this Declaration with supporting documentation and aver that to the best of my/our knowledge and belief, the above findings/works are true, correct, and complete. Without Prejudice under U.C.C. 1-308



Joseph "Joe" Edward Wojcicki – the energy consultant, the advocate for three (3) million victims and the case intervenor in its first stage (docket 2008-196-E) of the licensing process under PSC of SC

Columbia, SC

Tuesday, August 5, 2014

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

Dockets from No. 2014-187-E and back to 2008-196-E - all that apply BLRA as a legal base for PSC Orders with ORS stipulations and reports.

IN MATTER OF: _Combined Application of SCE&G... for a Base Load Review [Act] Order and ... for Authority to Adjust and Increase Its Electric Rates and Charges.	PETITION to INTERVENE and CHALLENGE the BASELESS USAGE of SC BASE LOAD REVIEW ACT ("FCA of BLRA") to INCREASE kWh RATES
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I, Joseph E. Wojcicki ("Wojcicki," "advocate," "intervenor," "engineer," "energy consultant," "technical verifier/investigator/troubleshooter," "author of Declaration to Protest," "challenger of BLRA assumption"), hereby petition the Public Service Commission of South Carolina ("PSC") to intervene according to:

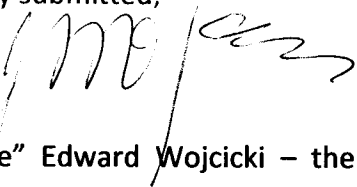
- Facts of negative economic effects by SCANA/SCE&G imposing increased electric rates on customers, who are kept in a practical unawareness about the existence of the government's stimulus as a base financial source of primary financing for nuclear power investments. It was eliminating the needs of the SC Base Load Review Act (BLRA) to force ratepayers to become investors. Wojcicki, as *de facto* advocate, is representing approximately 3 million victims with rights held under the First Amendment to the United States Constitution and/or Section 2, Article I of the Constitution of the State of South Carolina during the course of the proceeding. Victims include veterans, retirees and children, who have not received representation or were ignored in decisions to stop increasing kWh rates. The PSC and Office of Regulatory Staff (ORS) shall recognize the fact that \$6.5 billion, received by GA utilities in February 2014 for the twin project at Vogtle Electric Generating Plant, were from existing government funds.
- Facts of negative economic effects of SCANA already removed approximately \$3 billion, with a perspective of \$10 billion (in 2007 USDs) from the state and national economies and taxation.
- There is a similarity to the infamous 2001 Enron (NYSE:ENE) Energy Corp. scandal (George W. Bush presidency) and Dynegy (NYSE:DYN) in 2012 (Barack Obama presidency). SCANA's false claimed assumption of the SC Base Load Review Act (FCA of BLRA) is used to "force SCE&G customers to invest in their nuclear project" instead of using stimulus money assigned for the Nuclear Renaissance (
- BLRA's assumption that could give a legal right to raise kWh rates must be challenged because there is no serious proof given by SCANA and confirmed to be prudent by ORS/PSC that it fulfilled its definition. Discussions and misleading simple numbers cannot replace an engineering analysis. As an example of SCANA misleading, "in discussions" is a number of 76 days/year that was blindly accepted by PSC: *"In fact (sic!), all three units could operate at full power for 2-1/2 months with water from the Monticello Reservoir. I [commissioner] would also note that the new V. C. Summer Station Units 2 and 3 have received all necessary NRC, EPA, Federal Energy Regulatory Commission (FERC) and State permits for operation "* (PSC doc 250703). This number of the cooling water reserve in the

Monticello reservoir won't prudently exceed other numbers of the water-duration availability from the Broad River, i.e. (a) **365 days (12 months) less the annual AP 1000 maintenance time (Toshiba/Westinghouse)**, even (b) **BLRA 252 days (70%) annually in each of 60 years of the reactor life**; and (c) for the Jenkinsville location, this must be **292 days/year** (load/demand + transmission loses = gross generated energy). Note that none of the licenses has confirmed the BLRA definition as being met, leaving it to PSC and the expert's analysis. Licensing has not covered the project financing at all. Predominant lay lawyers' crowd and time-limiting procedures silence the false assumption of BLRA (FCA of BLRA), which could likely create a lack of trust of PSC's motto.

- The ORS report dated 7/30/2014 still uses FCA of BLRA as a legal basis. It ignores the delivered challenging letter from Wojcicki, the energy consultant and victims' advocate. The letter was delivered on time (June 26, 2014) to the ORS office and has its copy in PSC dockets 2014-187-E and 2008-196-E. At present, there has been no response from SCANA on the same letter.
- There are other aspects that should be done at the hearings, both affectively and logically. The most important is prompt return money from the overcharged rates to victims.
- The expert-advocate does not fetch any ethical and/or criminal aspects (e.g. criminal negligence) now, rather than concentrating on the financial lethal error [FCA of BLRA], which is forcing victims to invest in SCANA (NYSE:SCG). SCANA as a parental corporation is putting SCE&G, the company and its employees in jeopardy, just like in the Enron case.
- Wojcicki's delegation and/or mandate also come from the South Carolina Attorney General Office and engineering and technical science.
- Wojcicki is a SCANA shareholder. The PSC denial of this Petition would be "killing the messenger" and proof that there is a conspiracy to keep the fraud secret.

Let's finally do something good for the people and businesses of South Carolina.

Respectfully submitted,



Joseph "Joe" Edward Wojcicki – the energy consultant, the advocate for three (3) million victims and the case intervenor in its first stage (docket 2008-196-E) of the licensing process under PSC of SC

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Friday, August 8, 2014